

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

CDR PRINTING LLC,

Plaintiff,

v.

ALDI INC.,

Defendant.

Civil Action No. 2:16-cv-000029

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement in which CDR Printing LLC (“Plaintiff”) makes the following allegations against Aldi Inc. (“Defendant”) alleging as follows:

PARTIES

1. Plaintiff CDR Printing LLC is a Texas limited liability company, having a principal place of business at 815 Brazos St., Ste. 500, Austin, TX 78701.

2. Defendant is a corporation organized and existing under the laws of the State of Illinois, with its principal place of business located at 1200 N. Kirk Rd., Batavia, IL 60510. Upon information and belief, Defendant may be served via its registered agent: Kimberly Shanner, 1200 N. Kirk Rd., Batavia, IL 60510.

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. Venue is proper in this District under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, Defendant has transacted business in this District, and has committed and/or induced acts of patent infringement in this District.

5. On information and belief, Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 7,271,929

6. Plaintiff is the owner by assignment of United States Patent No. 7,271,929 ("the '929 Patent") titled "System and Method for Integrated Printing and Assembly of Electronic Documents." The '929 Patent issued on September 18, 2007. A true and correct copy of the '929 Patent is hereto attached as **Exhibit A**.

7. Upon information and belief, Defendant has been and is now infringing at least claims 19 and 20 of the '929 Patent in the State of Texas, in this Judicial District, and elsewhere in the United States, by, among other things, methods practiced by Defendant's website, including but not limited to, www.aldi.com (the "Accused Instrumentality"), covered by one or more claims of the '929 Patent to the injury of Plaintiff. Defendant is directly infringing, literally infringing, and/or infringing the '929 Patent under the doctrine of equivalents. Defendant is thus liable for infringement of the '929 Patent pursuant to 35 U.S.C. § 271.

8. Defendant infringes at least claim 19 by creating a document during a first time period with associated rendering codes, delivering the document at a second time period upon

request to a recipient, and modifying the document at the second time period as part of delivering so as to update selected information contained within said document, the updating being based in part on the rendering codes and the modification is tailored to a location of the recipient. Furthermore, the document is created using an application program running on a PC and the rendering codes are incorporated into the document under the control of the application program.

9. Defendant infringes claim 20 of the '929 Patent by performing the method of claim 19 and furthermore, updating the information in the document by obtaining updated information from a source outside of the document, the location of the source being identified by one or more of the rendering codes.

10. As a result of Defendant's infringement of the '929 Patent, Plaintiff has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of Plaintiff's invention by Defendant, together with interest and costs as fixed by the Court, and Plaintiff will continue to suffer damages in the future unless Defendant's infringing activities are enjoined by this Court.

11. Unless a permanent injunction is issued enjoining Defendant and its agents, servants, employees, representatives, affiliates, and all others acting on in active concert therewith from infringing the '929 Patent, Plaintiff will be greatly and irreparably harmed.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter:

1. A judgment in favor of Plaintiff that Defendant has infringed the '929 Patent;
2. A permanent injunction enjoining Defendant and its officers, directors, agents servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in

active concert therewith from infringement, inducing the infringement of, or contributing to the infringement of the '929 Patent, or such other equitable relief the Court determines is warranted;

3. A judgment and order requiring Defendant to pay to Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for Defendant's infringement of the '929 Patent as provided under 35 U.S.C. § 284, and an accounting of ongoing post-judgment infringement; and

4. Any and all other relief, at law or equity, to which Plaintiff may show itself to be entitled.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

DATED January 8, 2016.

Respectfully submitted,

By: /s/ Hao Ni

Hao Ni

Texas Bar No. 24047205

hni@nilawfirm.com

Timothy T. Wang

Texas Bar No. 24067927

twang@nilawfirm.com

Neal G. Massand

Texas Bar No. 24039038

nmassand@nilawfirm.com

Stevenson Moore V

Texas Bar No. 24076573

smoore@nilawfirm.com

Krystal L. Gibbens

Texas Bar No. 24082185

kgibbens@nilawfirm.com

Ni, Wang & Massand, PLLC

8140 Walnut Hill Ln., Ste. 500

Dallas, TX 75231

Tel: (972) 331-4600

Fax: (972) 314-0900

ATTORNEYS FOR PLAINTIFF

CDR PRINTING LLC